

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23281 of 2012

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Sri Ganesh Prasad Sah, Son of Late Bidya Sah, Resident of
Mohalla- Parbatti (Near Kali Ashthan), P.S.- Tatarpur Under
Kotwali, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The Tilka Manghi Bhagalpur University through the vice Chancellor, T. M. Bhagalpur University, Bhagalpur.
2. The Vice Chancellor, Tilka Manjhi Bhagalpur University, Bhagalpur.
3. The Financial Advisor, Tilka Manjhi Bhagalpur University, Bhagalpur.
4. The Registrar, Tilka Manjhi Bhagalpur University, Bhagalpur.
5. The Finance Officer, Tilka Manjhi Bhagalpur University, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Radha Raman Verma, Advocate
For the Respondent/s: Mr. Anjani Kumar, Senior Advocate
Mr. Ashhar Mustafa, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA
MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 26-07-2019

This petition was heard along with the connected
CWJC No. 22444 of 2012 (Sri Krishna Murari Dubey vs. T.M.



University and Ors.) that has been allowed today by a separate judgment. The distinction between the said case and that of the petitioner is that in the case of Sri Krishna Murari Dubey the appointment letter that was issued to him categorically stated that there was a recommendation in his favour by the Committee whereafter he was appointed.

Even though the issues raised are the same and the documents relied on are similar, the fact remains that the issue with regard to recommendation by the Promotion Committee in the present case has yet to be resolved for which the facts relating thereto have to be gone into. There is therefore a distinction between the case of Sri Krishna Murari Dubey (supra) and the present case on the aforesaid ground.

However, we find that since the action of the respondent-University by passing the cancellation order dated 30th July, 2003 is in violation of principles of natural justice, we quash the same but with a direction to the University through its competent authority to examine as to whether there was any recommendation of the Promotion Committee in favour of the petitioner before the Vice-Chancellor proceeded to appoint him.

The petition is allowed to the aforesaid extent. The decision shall be taken by the competent authority within three



months of the date of the presentation of the certified copy of
this order.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	30.07.2019
Transmission Date	NA

